

Cochran, Patricia (DCOZ)

From: Mohammad Hassan <hassan9291@gmail.com>
Sent: Tuesday, October 4, 2022 7:36 AM
To: Bardin, Sara (DCOZ); support@dcra.mail.kustomerapp.com; Reid, Rohan (DOB); Cochran, Patricia (DCOZ); ANC 4B Office (ANC 4B); Reid, Robert (DCOZ); Roberts, Erin (DOB); LeGrant, Matt (DOB); Cooper, Quiton (DOB); Johnson, Katrina (DOB); Reiss, Jeff J. (DCRA); Beeton, Kathleen A. (DOB); Bolden, Tarek (DOB); dinglebert1@outlook.com; Chrappah, Ernest (DOB); Bowser, Muriel (EOM); Hill, Zelalem (DCOZ); Whitescarver, Clarence (DOB); Bailey, Christopher (DOB); Johnson, Katrina (DOB); DCRACS (DCRA); DLCP (DCRA)
Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required
Follow Up Flag: Follow up
Flag Status: Completed

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Mr. Chrappah, Mr. LeGrant, Mr. Rohan Reid,

Please make DLCP Interim Director, Shirley Kwan-Hui aware of this case and also include her on this email chain. This is pertinent to the "The Office of Enforcement" charter under DLCP which includes the enforcement unit and consumer protection.

I understand the SLA for response on this inquiry, **GHS-M5FNV** is 3 business days. I look forward to hearing from you by COB October 6, 2022.

Best,
-Mohammad

From: Mohammad Hassan <hassan9291@gmail.com>
Date: Monday, October 3, 2022 at 11:12 AM
To: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>, support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>, Reid, Rohan (DCRA) <rohan.reid@dc.gov>, Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>, ANC 4B Office (ANC 4B) <4B@anc.dc.gov>, Reid, Robert (DCOZ) <robert.reid@dc.gov>, Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>, LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>, Cooper, Quiton (DCRA) <quition.cooper@dc.gov>, Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>, Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>, Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>, Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>, dinglebert1@outlook.com <dinglebert1@outlook.com>, Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>, Bowser, Muriel (EOM) <muriel.bowser@dc.gov>, Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>, clarence.whitescarver@dc.gov <clarence.whitescarver@dc.gov>, christopher.bailey@dc.gov <christopher.bailey@dc.gov>
Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

Mr. Chrappah, Mr. LeGrant, Mr. Rohan Reid,

Board of Zoning Adjustment
District of Columbia
CASE NO.20760
EXHIBIT NO.31

It is deeply concerning that your office has not taken swift action to cancel an open permit made by an entity falsely representing the "The Owners" (HOA) of the building. **Please take immediate action to cancel B2107726.**

My legal team has advised me this is a significant breach of the law and before we pursue additional action, I'd like to give you an opportunity to express, why is it that you have not cancelled a permit that the HOA ("The Owners") has asked to be cancelled on numerous occasions?

Mr. Rohan Reid, while I've asked you questions about DCRA sign off for permits directly as noted below, the [BZA APPLICATION/APPEAL NO.: 20760](#) bears your signature. Thus, it is clear DCRA and you, specifically knowingly signing off in support of relief without authorization from the HOA ("The Owner"). This is a breach of our rights. While our conversations have been cordial and pleasant, it's clear DCRA isn't looking to protect the HOAs rights and is in fact actively working to breach them. Am I wrong to assume this based on past action?

Mr. Sara Bardin, please note the HOA has **declined** Mr. Steven Snider's request for authorization to act on behalf of the HOA ("The Owners"). I wish to find no surprises at the upcoming hearing.

Please note the sequence of events:

- The HOA issued statements via formal letter **Notice of Unauthorized Permitting at 5912 9th Street NW on January 31, 2018**
- On January 7, 2022, I reminded **Mr. Rohan Reid**, "This email serves as a reminder that any CofO update or permits requires the HOA board's approval and should not be granted to the developer without consulting the HOA and its owners."
- On May 23, 2022, I sent an email to DCRA representatives, summarizing the following facts:
 - 5912 9th Street HOA and its four legal units are the majority owners of the building;
 - SC Holdings, Peabody LLC (and owners Mr. Snider and Mr. Kuehn) do not have a right to file on the HOAs behalf;
 - SC Holdings, Peabody LLC, alongside authorized agent, Adam Carballo, falsely filed permit and Zoning requests since they are non-HOA entities
- On May 27, 2022, I emailed an inquiry to **Mr. Rohan Reid**, "On the permits side, I hope DCRA can explain why the permit requests haven't simply been cancelled since it did not originate from HOA or agents of the HOA?"
- On May 27, 2022, **Ms. Delaine Englebert** informed **Mr. Whitescarver**, "This HOA did not authorize any additional permits and have not been made aware of the extent of what is being permitted."
- On June 1, 2022 and June 6th, 2022, I followed up with **Mr. Whitescarver** for an update on permit cancellation, "Can you please share an update on this?" I have not yet received a response.
- On June 1, 2022, I asked **Mr. Rohan Reid**, "I need to hear from you on cancelling the open permit **B2107726** immediately. If DCRA does not intend to cancel it, I need DCRA's legal counsel to share why not. I've got **Erin Roberts** on this email and she has the history as someone who has serviced FOIAs for this building in the past."
- On June 2, 2022, I noted the [Variance/Special Exception](#) and noted, "I looked at the "Letter of Authorization" on the case and it is Steven Snider authorizing for the entire Square and lot (Square 2986, Lot 25)." An untrue document.

- On June 2, 2022, I reminded DCRA/DCOZ, “That is material to establishing ownership and thus the ability to bring forth a zoning exemption case. Without legitimate ownership, Mr. Snider or SC Holding Peabody, LLC cannot raise the case to begin with. Therefore, there is no need for me or the HOA to present our side. We are the owners, nor Mr. Snider”
- On June 3, 2022, I again asked **Mr. Chrappah and Mr. Rohan Reid**, “Has your office cancelled the open permit **B2107726** that was unauthorized by the HOA? Please respond.”
- On June 7, 2022, I asked the following questions:
 - **Mr. Rohan Reid (DCRA):**
 - Please share what information was provided to DCOZ as part of their application requirements for the Special Exception Case? The process, per the [website](#) required, “Either a memorandum from the Zoning Administrator at DCRA directing the applicant to the BZA or a Form 135 - Zoning Self-Certification, which requires certification by a D.C. licensed architect or attorney;” There had to be exchange per the process between DCRA and DCOZ. Please share exactly what that was.
 - In the eyes of DCRA who is the rightful owner of 5912 9th Street NW (Square 2986, Lot 25)?
 - Interestingly, the open permit B2107726, highlights, “3-STORY, 5-UNIT APARTMENT HOUSE FOR CO PURPOSES ONLY TO SHOW EXISTING FLOOR PLANS AND MEP RELATED MATERIALS. NO WORK TO BE DONE.” Who signed off on this? Was this needed in relation to providing a memorandum for Zoning Administration? Why was the HOA not notified? Why has it not been cancelled?
 - **Ms. Bardin and/or Ms. Hill (DCOZ):**
 - How did DCOZ establish who the owner of 5912 9th Street NW (Square 2986, Lot 25) was?
 - Who reviewed this application and proceeded to schedule the hearing?
 - What prevents DCOZ from cancelling the public hearing, given DCRA deems the 5th unit ‘illegal construction’?
- On June 8th, 2022, I shared with **Ms. Bardin**, “The key part in DCOZ Application requirements [here](#) is “The **owner of property** for which zoning relief is sought, or an authorized representative, shall file an application with the Office of Zoning.” (Subtitle Y § 300.4.)”
- On June 13th, 2022, in an email exchange including SC Holdings, Peabody LLC (and owners Mr. Snider and Mr. Kuehn), Carballo Architecture, LLC (Adam Carballo), I shared with **Mr. Legrant, Mr. Rohan Reid, Ms. Bardin**, “The HOA is opposed to an updated CoFO and BZA relief until we can finish negotiations with Mr. Snider...”
- On June 13th, 2022, I followed up with **Mr. LeGrant**, “You stated on Tuesday, June 7, 2022 that you were reviewing the matter. Can you share updates with the group here?” This message has been unresponded to.

I’d like to remind the **Mayor’s office** of, *D.C. Official Code § 22 2405*

Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of more than \$1,000 or 180 days’ imprisonment or both. (D.C. Official Code § 22 2405.)

“It has become abundantly clear that DCRA is an agency in need of major change”

Giambrone, A. (2018, Jan 23). Should the Department of Consumer and Regulatory Affairs Be Broken Up? A Majority of the D.C. Council Thinks So Retrieved from

<https://www.washingtoncitypaper.com/>

Let's be that change we want to see, together.

Best,

-Mohammad

From: Mohammad Hassan <hassan9291@gmail.com>

Date: Wednesday, July 13, 2022 at 1:38 PM

To: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>, support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>, Reid, Rohan (DCRA) <rohan.reid@dc.gov>, Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>, ANC 4B Office (ANC 4B) <4B@anc.dc.gov>, Reid, Robert (DCOZ) <robert.reid@dc.gov>, Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>, LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>, Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>, Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>, Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>, Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>, Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>, denglebert1@outlook.com <denglebert1@outlook.com>, Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>, Bowser, Muriel (EOM) <muriel.bowser@dc.gov>, Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

Thank you Ms. Bardin.

Mr LeGrant,

You stated on Tuesday, June 7, 2022 that you were reviewing the matter. Can you share updates with the group here?

Best,

-Mohammad

From: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>

Date: Wednesday, July 13, 2022 at 12:39 PM

To: Mohammad Hassan <hassan9291@gmail.com>, support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>, Reid, Rohan (DCRA) <rohan.reid@dc.gov>, Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>, ANC 4B Office (ANC 4B) <4B@anc.dc.gov>, Reid, Robert (DCOZ) <robert.reid@dc.gov>, Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>, LeGrant, Matt (DCRA)

<matthew.legrant@dc.gov>, Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>, Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>, Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>, Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>, Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>, denglebert1@outlook.com <denglebert1@outlook.com>, Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>, Bowser, Muriel (EOM) <muriel.bowser@dc.gov>, Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

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Dear Mr. Hassan:

Yes, I will share the outcome as soon as the hearing concludes.

Sincerely,

Sara

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From: Mohammad Hassan <hassan9291@gmail.com>

Sent: Wednesday, July 13, 2022 12:33:02 PM

To: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>; support@dcra.mail.kustomerapp.com

<support@dcra.mail.kustomerapp.com>; Reid, Rohan (DCRA) <rohan.reid@dc.gov>; Cochran, Patricia (DCOZ)

<Patricia.Cochran@dc.gov>; ANC 4B Office (ANC 4B) <4B@anc.dc.gov>; Reid, Robert (DCOZ) <robert.reid@dc.gov>;

Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>; LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>; Cooper, Quiton (DCRA)

<quiton.cooper@dc.gov>; Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>; Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>;

Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>; Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>;

denglebert1@outlook.com <denglebert1@outlook.com>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>;

Bowser, Muriel (EOM) <muriel.bowser@dc.gov>; Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

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Hi everyone,

I hope this email finds you well. Since I was unable to join the hearing this morning due to work commitments, **Ms. Bardin**, can you share the outcomes with me either via email or a link. I looked here but do not see any additional details:

https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20760

Best,

-Mohammad

From: Mohammad Hassan <hassan9291@gmail.com>

Date: Thursday, June 9, 2022 at 6:33 AM

To: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>, support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>, Reid, Rohan (DCRA) <rohan.reid@dc.gov>, Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>, ANC 4B Office (ANC 4B) <4B@anc.dc.gov>, Reid, Robert (DCOZ) <robert.reid@dc.gov>, Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>, LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>, Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>, Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>, Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>, Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>, Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>, denglebert1@outlook.com <denglebert1@outlook.com>, Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>, Bowser, Muriel (EOM) <muriel.bowser@dc.gov>, Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

That's fine.

Please answer my other direct questions or provide DCOZ attorney information to whom I can address them:

1. How did DCOZ establish who the owner of 5912 9th Street NW (Square 2986, Lot 25) was?
2. Who reviewed this application and proceeded to schedule the hearing?
3. What information did DCRA provide to DCOZ in your application review process?

Best,

-Mohammad

From: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>

Date: Wednesday, June 8, 2022 at 9:25 AM

To: Mohammad Hassan <hassan9291@gmail.com>

Cc: support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>, Reid, Rohan (DCRA) <rohan.reid@dc.gov>, Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>, ANC 4B Office (ANC 4B) <4B@anc.dc.gov>, Reid, Robert (DCOZ) <robert.reid@dc.gov>, Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>, LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>, Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>, Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>, Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>, Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>, Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>, denglebert1@outlook.com <denglebert1@outlook.com>, Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>, Bowser, Muriel (EOM) <muriel.bowser@dc.gov>, Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

They can be contacted through submission into the record. All other communication is considered ex parte.

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From: Mohammad Hassan <hassan9291@gmail.com>

Sent: Wednesday, June 8, 2022 9:21:05 AM

To: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>

Cc: support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>; Reid, Rohan (DCRA) <rohan.reid@dc.gov>; Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>; ANC 4B Office (ANC 4B) <4B@anc.dc.gov>; Reid, Robert (DCOZ) <robert.reid@dc.gov>; Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>; LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>; Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>; Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>; Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>; Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>; Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>; denglebert1@outlook.com <denglebert1@outlook.com>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>; Bowser, Muriel (EOM) <muriel.bowser@dc.gov>; Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

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Thank you Ms. Bardin. Please provide the names and email addresses of the Commission and Board. I will reach out to them.

I still need answers to the following as DCOZ has the obligation to review applications and make sure they meet the requirements:

1. How did DCOZ establish who the owner of 5912 9th Street NW (Square 2986, Lot 25) was?
2. Who reviewed this application and proceeded to schedule the hearing?
3. What information did DCRA provide to DCOZ in your application review process?

Best,

-Mohammad

From: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>

Date: Wednesday, June 8, 2022 at 9:18 AM

To: Mohammad Hassan <hassan9291@gmail.com>

Cc: support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>, Reid, Rohan (DCRA) <rohan.reid@dc.gov>, Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>, ANC 4B Office (ANC 4B) <4B@anc.dc.gov>, Reid, Robert (DCOZ) <robert.reid@dc.gov>, Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>, LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>, Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>, Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>, Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>, Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>, Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>, denglebert1@outlook.com <denglebert1@outlook.com>, Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>, Bowser, Muriel (EOM) <muriel.bowser@dc.gov>, Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

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Mr. Hassan:

The Office of Zoning is an independent agency. My “superiors” are the Commission and Board, therefore, as I have been directing, you need to address this with the Board on the record. Only the Board can dismiss this application.

From: Mohammad Hassan <hassan9291@gmail.com>

Sent: Wednesday, June 8, 2022 7:35 AM

To: Bardin, Sara (DCOZ) <sara.bardin@dc.gov>

Cc: support@dcra.mail.kustomerapp.com <support@dcra.mail.kustomerapp.com>; Reid, Rohan (DCRA) <rohan.reid@dc.gov>; Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>; ANC 4B Office (ANC 4B) <4B@anc.dc.gov>; Reid, Robert (DCOZ) <robert.reid@dc.gov>; Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>; LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>; Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>; Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>; Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>; Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>; Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>; denglebert1@outlook.com <denglebert1@outlook.com>; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>; Bowser, Muriel (EOM) <muriel.bowser@dc.gov>; Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

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Thank you Ms. Bardin,

That all makes sense and I appreciate you sharing it. I have read a lot of that [here](#) as well alongside my legal advisors.

The key part in DCOZ Application requirements [here](#) is "The **owner of property** for which zoning relief is sought, or an authorized representative, shall file an application with the Office of Zoning." (Subtitle Y § 300.4.)"

Your own short explanation is "In short, an application for zoning relief may be filed **by the owner of a property** or the owner's authorized representative" and further "The Board is not authorized to dismiss an application without a hearing except when an applicant **fails to comply with procedural requirements.**"

In this case, Mr. Snider and his LLC does not own the 5912 9th Street NW (Square 2986, Lot 25) thus they do not meet the application and procedural requirements. Thus it should be dismissed. So I ask my direct questions again. Feel free to share your superiors information or direct me to DCOZs legal team if you cannot answer:

1. How did DCOZ establish who the owner of 5912 9th Street NW (Square 2986, Lot 25) was?
2. Who reviewed this application and proceeded to schedule the hearing?
3. What prevents DCOZ from cancelling the public hearing, given DCRA deems the 5th unit 'illegal construction' and the application is not the owner of the property?
4. What information did DCRA provide to DCOZ in your application review process?

Best,

-Mohammad

On Tue, Jun 7, 2022 at 8:58 PM Bardin, Sara (DCOZ) <sara.bardin@dc.gov> wrote:

Mr. Hassan:

In short, an application for zoning relief may be filed by the owner of a property or the owner's authorized representative. The Board of Zoning Adjustment is required by statute to hold a public hearing on every application. The Board is not authorized to dismiss an application without a hearing except when an applicant fails to comply with procedural requirements.

Interested persons can ask to participate in the hearing as parties or may appear as individuals or representatives of an organization. They can challenge any aspect of an application, including the applicant's authorization as owner of the property. In a case of disputed ownership, the Board must determine an applicant's authority to submit the application after considering the testimony and evidence of the participants at the hearing.

If you require a more in depth explanation, please see the following:

The Board of Zoning Adjustment is authorized to consider requests for special exceptions and variances. (The Zoning Act, D.C. Official Code § 6-641.07(d), (g)(3)). See also District of Columbia Municipal Regulations, Title 11, Zoning, Subtitle X, Chapter 9 (Special Exceptions) and Chapter 10 (Variances).)

The Zoning Act requires the Board to hold "a public hearing on appeal," a term that encompasses what are now called "applications" for zoning relief as well as appeals that challenge an administrative decision based on a zoning regulation or map. (D.C. Official Code § 6-641.07(f), (g).)

The Board's Rules of Practice and Procedure are set forth in Subtitle Y of 11 DCMR. The requirements for an application seeking approval of a special exception or variance are stated in Subtitle Y § 300 (Application Requirements). The requirements specify that "The owner of property for which zoning relief is sought, or an authorized representative, shall file an application with the Office of Zoning." (Subtitle Y § 300.4.)

The requirements for recognition as an authorized representative appear in Subtitle Y § 300.5, and include "a letter of authorization signed by the owner authorizing the representative to act on the owner's behalf with respect to the application...." That provision also states that the BZA "may at any time require additional evidence demonstrating the authority of the representative to act for the owner."

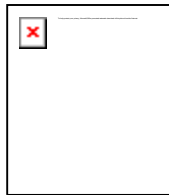
Subtitle Y § 201.2: A variance or special exception case shall be considered as a contested case proceeding, as defined by [D.C. Official Code § 2-502\(8\)](#). Public hearings on contested cases shall be processed and conducted according to the provisions of the D.C. Administrative Procedure Act.

Interested persons may request party status in accordance with the procedure set forth in Subtitle Y § 404.1. A party may submit motions and requests to the Board, consistent with Subtitle Y § 403.7 and Subtitle Y § 407. A party may

present their case by oral or documentary evidence and to conduct cross-examination required for a full and true disclosure of the facts. (Subtitle Y § 409.3.) In addition, individuals, organization representatives, and others may participate in a hearing by appearing as witnesses and offering evidence. (Subtitle Y § 409.2.)

Subtitle Y §§ 600.3, 600.4: The Board may dismiss an application for failure of the applicant to comply with the procedural requirements. The Board will give the applicant notice of the intent to dismiss the application and an opportunity to correct the deficiency, except that an application can be dismissed immediately if the applicant fails to appear at the hearing without explanation.

Sara Bardin
Director



Office of Zoning | District of Columbia Government

www.dcoz.dc.gov | sara.bardin@dc.gov

441 4th Street, NW | Suite 200-S | Washington, DC 20001

(202) 727-5372 (office) | (202) 727-6072 (fax)

From: Mohammad Hassan <hassan9291@gmail.com>

Sent: Tuesday, June 7, 2022 4:47 PM

To: support@dcra.mail.kustomerapp.com; Reid, Rohan (DCRA) <rohan.reid@dc.gov>; Bardin, Sara (DCOZ) <sara.bardin@dc.gov>; support@dcra.mail.kustomerapp.com; Cochran, Patricia (DCOZ) <Patricia.Cochran@dc.gov>; ANC 4B Office (ANC 4B) <4B@anc.dc.gov>; Reid, Robert (DCOZ) <robert.reid@dc.gov>; Roberts, Erin (DCRA) <Erin.Roberts@dc.gov>; LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>; Cooper, Quiton (DCRA) <quiton.cooper@dc.gov>; Johnson, Katrina (DCRA) <katrina.johnson@dc.gov>; Reiss, Jeff J. (DCRA) <jeffj.reiss@dc.gov>; Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>; Bolden, Tarek (DCRA) <tarek.bolden@dc.gov>; denglebert1@outlook.com; Chrappah, Ernest (DCRA) <Ernest.Chrappah@dc.gov>; Bowser, Muriel (EOM) <muriel.bowser@dc.gov>; Hill, Zelalem (DCOZ) <zelalem.hill@dc.gov>

Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required

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Matthew Le Grant,

Thank you for reviewing the matter. Please continue to include the larger group so there is openness and transparency for all parties.

I'm the authorized representative of the HOA with the title of Treasurer and a full board member. Delaine Englebert has also been given Appointment of Agent. Please see attached.

Rohan,

Thank you for your note. You acknowledged, “, prior to approval and issuance of a building permit to **construct a fifth unit (which we know has been constructed and is currently existing illegally.**” Some direct questions for you:

1. Please share what information was provided to DCOZ as part of their application requirements for the Special Exception Case? The process, per the [website](#) required, “Either a memorandum from the Zoning Administrator at DCRA directing the applicant to the BZA or a Form 135 - Zoning Self-Certification, which requires certification by a D.C. licensed architect or attorney;” There had to be exchange per the process between DCRA and DCOZ. Please share exactly what that was.
2. In the eyes of DCRA who is the rightful owner of 5912 9th Street NW (Square 2986, Lot 25)?
3. Interestingly, the open permit B2107726, highlights, “3-STORY, 5-UNIT APARTMENT HOUSE FOR CO PURPOSES ONLY TO SHOW EXISTING FLOOR PLANS AND MEP RELATED MATERIALS. NO WORK TO BE DONE.” Who signed off on this? Was this needed in relation to providing a memorandum for Zoning Administration? Why was the HOA not notified? Why has it not been cancelled?

Ms. Bardin and/or Ms. Hill,

I'm still waiting to either get answers to the following questions or the DCOZ's legal counsel information and a superior's name and email to escalate to. This is especially important, given Mr. Reid's comment above about DCRA knowing this was illegal construction which would officially deem it non-existent and calls into question the validity of the application, DCOZs determination of ownership and more.

1. How did DCOZ establish who the owner of 5912 9th Street NW (Square 2986, Lot 25) was?
2. Who reviewed this application and proceeded to schedule the hearing?
3. What prevents DCOZ from cancelling the public hearing, given DCRA deems the 5th unit 'illegal construction'?

There is clear breach of process and consumer trust. We need to get to the bottom of it.

Best,

-Mohammad

From: dcra support <support@dcra.mail.kustomerapp.com>
Date: Tuesday, June 7, 2022 at 2:28 PM
To: hassan9291@gmail.com <hassan9291@gmail.com>
Cc: rohan.reid@dc.gov <rohan.reid@dc.gov>
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required

Mohammad Hassan,

I am reviewing this matter but I had a quick question for clarification: Who is the authorized representative of the HOA, and what is that person's title? [eg, President of the HOA, Chairperson, etc].

Thank you.

Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW, Washington DC 20024
Matthew.legrant@dc.gov
Main 202 442-4576 – Desk 202 442-4652



On Tue, Jun 7, 2022 at 6:26 PM <support@dcra.mail.kustomerapp.com> wrote:

Mohammad Hassan,

I am reviewing this matter but I had a quick question for clarification: Who is the authorized representative of the HOA, and what is that person's title? [eg, President of the HOA, Chairperson, etc].

Thank you.

On Mon, Jun 6, 2022 at 4:42 PM <sara.bardin@dc.gov> wrote:

I will be out of the office from Friday June 3, 2022 through Monday, June 6, 2022. If you require immediate assistance, please contact Zelalem Hill at zelalem.hill@dc.gov or (202) 727-0312.

On Mon, Jun 6, 2022 at 4:42 PM <support@dcra.mail.kustomerapp.com> wrote:

Good afternoon Mr. Hassan,

I am in receipt of your emails and voice message. I was out of the office last week and unable to respond. I will check on the status of the cancellation of the open permit B2107726 to authorize five units at the property, and follow up.

Please be aware that there is, and has been for some time, a zoning administrative hold that is active on the property in our permitting system. This administrative hold prevents further processing of permit applications and issuance of permits associated with the property. This administrative zoning hold was applied because the Office of the Zoning Administrator (OZA) determined that relief from the Board of Zoning Adjustment (BZA) is required to allow five units at the property, prior to approval and issuance of a building permit to construct a fifth unit (which we know has been constructed and is currently existing illegally).

I will make the other DCRA parties you copied on your email aware of my response to you.

Regards,

On Fri, Jun 3, 2022 at 2:21 PM <hassan9291@gmail.com> wrote:

While we wait for Ms. Bardin's response to the questions and/or information for a superior and DCOZ attorney, I'd like to follow-up with DCRA.

Mr. Chrappah and Mr. Rohan Reid:

Has your office cancelled the open permit B2107726 that was unauthorized by the HOA? Please respond.

[cid:image001.png@01D87733.5F347360]

Best,
-Mohammad

On Fri, Jun 3, 2022 at 2:04 PM <hassan9291@gmail.com> wrote:

Ms. Bardin,

Respectfully I disagree. DCOZ has an obligation to review applications and cases raised, and your own website, requires a "Letter of Authorization" from the Owner.

So my question is, during DCOZs Application Review and Requirements review process:

1. How did DCOZ establish who the owner of 5912 9th Street NW (Square 2986, Lot 25) was?
2. Who reviewed this application and proceeded to schedule the hearing?

These are valid question based on your own process requiring a "Letter of Authorization" from the Owner. If you cannot answer, please provide DCOZ's legal council's information and I'll reach out there. Also, please provide me the name and email of your superior.

This could not be a more fair question. I've begin

Take a look at your own website, Variance/Special Exception <https://dcoz.dc.gov/page/VarianceSpecial-Exception> highlights –

[cid:image011.png@01D8772F.0E111B40]

Clearly, the system did not work here and I find it egregious that you are unable to protect consumer rights or even respond to direct and fair questions.

I have options that are probably less preferable to DCOZ, DCRA and Mayor Bowser that I'm happy to exercise. But I prefer to work with you and have you explain the process which I'm allowed to inquire about and receive direct answers to.

Best,
-Mohammad

On Fri, Jun 3, 2022 at 1:47 PM <sara.bardin@dc.gov> wrote:

Mr. Hassan:

This is the last time I will respond to this question. In my capacity of Director, I do not make determinations that are subject to the Boards decision. I doesn't matter what I think. It is under the Board's purview to review this case.

Sara

Sara Bardin
Director

[cid:image008.png@01D8772F.0E111B40]

Office of Zoning | District of Columbia Government

www.dcoz.dc.gov<http://www.dcoz.dc.gov> | sara.bardin@dc.gov<mailto:sara.bardin@dc.gov>

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On Fri, Jun 3, 2022 at 12:48 PM <hassan9291@gmail.com> wrote:

Sure, no problem. I've reworded it so you can run it by your legal counsel and respond.

1. In the eyes of District of Columbia Office of Zoning by the Zoning Commission (DCOZ) who is the rightful owner of 5912 9th Street NW (Square 2986, Lot 25)?

You are DCOZ: <https://dcoz.dc.gov/biography/sara-benjamin-bardin>

Best,
-Mohammad

On Fri, Jun 3, 2022 at 12:43 PM <sara.bardin@dc.gov> wrote:

Again, I am not the BZA and I do not speak for the BZA. You will have to present your case to them in the record or at the hearing.

Get Outlook for iOS <https://aka.ms/o0ukef>

On Fri, Jun 3, 2022 at 12:34 PM <hassan9291@gmail.com> wrote:

+ Mayor Bower

Ms. Bardin,

I understand the your predicament. My question is simple irrespective of whether you have authority to cancel or not:

1. In the eyes of BZA who is the rightful owner of 5912 9th Street NW (Square 2986, Lot 25)?

Thanks.

Best,
-Mohammad

On Fri, Jun 3, 2022 at 12:12 PM <sara.bardin@dc.gov> wrote:

Mr. Hassan:

Again, my attorney has informed me that I do not have the authority to stop this proceeding. You should bring this information to the Boards attention at the hearing or submit the information into the record.

Sara Bardin
Director

[cid:image008.png@01D87721.C95B4E60]

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On Thu, Jun 2, 2022 at 9:40 PM <hassan9291@gmail.com> wrote:

Thanks for your response on the earlier message. I've copied it below to keep this thread going where I followed up back-to-back.

I understand that I'm able to present our case to the BZA but that does not establish the legitimacy of the hearing or case to begin with.

Please respond to my questions and screenshots showing Mr. Snider claiming to have ownership of the Square and Lot as well as the "Letter of Authorization" claiming the same.

That is material to establishing ownership and thus the ability to bring forth a zoning exemption case. Without legitimate ownership, Mr. Snider or SC Holding Peabody, LLC cannot raise the case to begin with. Therefore, there is no need for me or the HOA to present our side. We are the owners, nor Mr. Snider

Perhaps I'm naïve in my understanding of how structural ownership and HOAs work in multi-family condominium in DC. Can you please enlighten me?

I'm looking forward to your response. This is election season, let's do the right thing and/or at least educate folks like me if I'm misunderstanding ownership law.

Best,
-Mohammad

On Thu, Jun 2, 2022 at 9:11 PM <sara.bardin@dc.gov> wrote:

Mr. Hassan:

You can see the case record here: Zoning Case Search

(dc.gov)https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20760. Going forward, so you can be assured that your documents are in the record in a timely manner, please be sure to upload them into the record using the Interactive Zoning Information System (IZIS): Login Form (dc.gov)<https://app.dcoz.dc.gov/Login.aspx>.

As I previously stated, you will be able to present your case to the BZA.

Sara Bardin
Director

[cid:image009.png@01D876A3.E46B6560]

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www.dcoz.dc.gov[http://www.dcoz.dc.gov/](http://www.dcoz.dc.gov) | sara.bardin@dc.gov<mailto:sara.bardin@dc.gov>

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On Thu, Jun 2, 2022 at 9:01 PM <hassan9291@gmail.com> wrote:

Ms. Bardin,

Interestingly, Variance/Special Exception<https://dcoz.dc.gov/page/VarianceSpecial-Exception> highlights

—

[cid:image009.png@01D876A1.70A148E0]

In this case, the owner is the HOA. I looked at the “Letter of Authorization” on the case and it is Steven Snider authorizing for the entire Square and lot (Square 2986, Lot 25).

I hope you’ll be able to explain to me how Mr. Snider can speak to the entire square and lot, a structure under HOA Bylaws?

[cid:image011.png@01D876A2.16B28F50]

[cid:image010.png@01D876A1.FACB0150]

Best,
-Mohammad

On Thu, Jun 2, 2022 at 8:03 PM <hassan9291@gmail.com> wrote:

Thank you Ms. Bardin. First and foremost, please confirm as requested that all correspondence and attachments are being added to the BZA official record for this building?

I agree an applicant has a right to file but the appropriate applicant, which in this case can only be the HOA or a representative of the HOA.

Can you help me understand how BZA validated that SC Holdings, Peabody LLC could speak for the entire building and HOA? Is this common practice for the BZA to not validate applicants as legitimate? Are you really saying any individual unit (including illegal unrecognized construction) can raise zoning exceptions and permit requests for entire buildings in DC?

Here is a direct image from the SCOUT tool – a tool offered by the government itself showing SC Holdings Peabody LLC as 1/5 of the building:

[cid:image001.png@01D87699.274FE190]

Here in the application, the application claimed to own the building, not a particular illegal constructed unit:

[cid:image002.png@01D87699.274FE190]

I had anticipated a lackluster response from DCRA and BZA, even though starting in 2018, the HOA made clear that we are rightful owners of the building.

I look forward to your response to all my questions.

Best,
-Mohammad

On Thu, Jun 2, 2022 at 7:37 PM <sara.bardin@dc.gov> wrote:

Mr. Hassan:

I have consulted with our attorney and confirmed I do not have the authority to cancel the hearing. An applicant has the right to file an application and in doing so has the right to a hearing. It is at the hearing, as I stated before, that you can testify about the alleged falsification of the application. Further pursuant to the DC Code provision that you mentioned that is on our forms, it refers to the following:
§ 22–2405. False statements.

(a) A person commits the offense of making false statements if that person wilfully makes a false statement that is in fact material, in writing, directly or indirectly, to any instrumentality of the District of Columbia government, under circumstances in which the statement could reasonably be expected to be relied upon as true; provided, that the writing indicates that the making of a false statement is punishable by criminal penalties or if that person makes an affirmation by signing an entity filing or other document under Title 29 of the District of Columbia Official Code, knowing that the facts stated in the filing are not true in any material respect or if that person makes an affirmation by signing a declaration under § 1-1061.13<https://code.dccouncil.us/us/dc/council/code/sections/1-1061.13>, knowing that the facts stated in the filing are not true in any material respect;

(b) Any person convicted of making false statements shall be fined not more than the amount set forth in § 22-3571.01<https://code.dccouncil.us/us/dc/council/code/sections/22-3571.01> or imprisoned for not more than 180 days, or both. A violation of this section shall be prosecuted by the Attorney General for the District of Columbia or one of the Attorney General's assistants. We went ahead and contacted the Office of the Attorney General (OAG) to obtain more information for you and were told that in order to initiate this process, you should contact the Metropolitan Police Department non-emergency number and file a complaint. The police will investigate and if the alleged false statements are found to be in fact false, they will refer it to OAG for prosecution.

Sara

Sara Bardin
Director

[cid:image006.png@01D87696.C00C1960]

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www.dcoz.dc.gov<http://www.dcoz.dc.gov/> | sara.bardin@dc.gov<mailto:sara.bardin@dc.gov>

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On Wed, Jun 1, 2022 at 4:03 PM <hassan9291@gmail.com> wrote:

I'd like to state at the top that all exchanges and attachments in this email thread be added to the official DCRA and BZA record as it pertains to this building.

Thank you for the clarifications, Ms. Bardin. You will find documents to prove this is a falsification attached. If there is more you need, please let me know.

Additionally, all the proof that is needed is in the SCOTUS tool. There are four legal units and an a fifth illegal construction, yet BZA and DCRA have allowed the illegal construction owner, SC Holdings, Peabody LLC to raise zoning and permit requests on behalf of the entire building without the HOAs approval or notification.

Mr. Rohan Reid – I need to hear from you on cancelling the open permit B2107726 immediately. If DCRA does not intend to cancel it, I need DCRA's legal counsel to share why not. I've got Erin Roberts on this email and she has the history as someone who has serviced FOIAs for this building in the past.

Ms. Sara Bardin – I ask that BZA cancel the proposed hearing and Special Exception case https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20760 immediately. SC Holdings, Peabody LLC falsified information in claiming to have majority ownership of the structure and that is a serious offense punishable by fines and imprisonment. If BZA does not intend to cancel it, I need BZA's legal counsel to share why not.

I encourage both DCRA and BZA to consider the precedent you're setting by not taking swift action against a crime punishable by the law against SC Holdings, Peabody LLC (D.C. Official Code § 22 2405).

Attached you'll find:

- * Notice of Unauthorized Permitting letter sent to DCRA
- * Inspection report; this is not the only inspection that has happened post purchase but enough information for BZA and DCRA
- * Unit 2 Timeline of Contact with nefarious developer and financier. I have not updated this since 2018 so it doesn't capture all the recent events.

- * Latest CofO for four units. This CofO does not include the illegal construction on top of the four units who is attempting to get permits and zoning exemption without even being recognized as a legal entity.
- * Recorded Plat, HOA Declaration and Bylaws confirming the HOA has formed and is the rightful owner of the structure
- * Written Testimony that was presented to Committee of the Whole

I've maintained rigorous documents and records, including those shared above. I sincerely hope that DCRA and BZA will do the right thing and not allow a nefarious developer/builder/financier to abridge the rights of first time homeowners. While morally and ethically that is the right thing to do, it is also your legal obligation.

If there is negotiation to be had, the HOA is open to getting to the same table with BZA, DCRA and SC Holdings, Peabody LLC to strike a win-win-win-win.

Though, admittedly my interactions with Mr. Snider of SC Holdings, Peabody LLC thus far only led to him stating the following:

"If you interfere with our efforts to obtain the CofO by communicating with DCRA, it may harm our ability to obtain the CofO and inure to the detriment of the Association and us. Kind regards." – Steve Snider

I ask the HOAs rights as the majority and legal owner of the structure at 5912 9th Street NW be respected and the permit and Zoning special exemption applications in question be cancelled immediately.

I look forward to your response and will follow-up in two days.

Best,
-Mohammad

On Wed, Jun 1, 2022 at 2:07 PM <sara.bardin@dc.gov> wrote:

Corrections are as follows:

Recap:

- * Ms. Bardin let us know that to her knowledge, she hasn't seen this kind of alleged falsification in a case cases of this gravity wherein false statements for permit and zoning applications were made and will be reviewing the legitimate concerns with her legal team next week and follow up;
- * Ms. Bardin acknowledged that there is a possibility that the applicant may withdraw the case this likely will not make it to hearing if Mr. Hassan files documents proving that the applicant does not have the authority to file the case on behalf of HOA. since the application was raised by an unauthorized party who does have rightful ownership of the building;
- * Mohamad asked Ms. Bardin, what records the BZA reviews in establishing the legitimacy of an applicant as the rightful party to raise the Zoning request? She acknowledged all of the BZA forms for applications mention false statements cannot be made. I discovered one such form here [https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/Form 100 - Application Signature Page.pdf](https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/Form%20100%20-%20Application%20Signature%20Page.pdf) and have put the verbiage below;

o I/We hereby certify that the information contained on the application for the relief filed with the Zoning Commission is true and correct to the best of my/our knowledge, information, and belief.

Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of more than \$1,000 or 180 days' imprisonment or both. (D.C. Official Code § 22 2405.)

* If somehow this does make it to hearing which I suspect it will not, given D.C. Official Code § 22 2405 above and false statements made, Ms. Bardin suggested explained the option for the HOA receive to apply for party status for the cross examination and prepare in advance and submit documents to the official record.

Sara

Sara Bardin
Director

[cid:image001.png@01D8759F.49A1A5D0]
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On Fri, May 27, 2022 at 3:45 PM <hassan9291@gmail.com> wrote:

Ms. Bardin,

Please make any necessary corrections to the record. That was the understanding that myself and Ms. Englebert had after we debriefed after talking to you.

Best,
-Mohammad

On Fri, May 27, 2022 at 3:40 PM <sara.bardin@dc.gov> wrote:

Mr. Hassan:

I think you misunderstood our conversation. I did not say some of what you have characterized. I am very disappointed that you presented it this way.

Sara

Sara Bardin
Director

[cid:image004.png@01D871BE.A72FEB10]

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On Fri, May 27, 2022 at 3:37 PM <hassan9291@gmail.com> wrote:

Hi DCRA, BZA,

Myself, Ms. Englebert and Ms. Sara Bardin finished our call. Thank you Ms. Bardin for your time.

Recap:

- * Ms. Bardin let us know that to her knowledge, she hasn't seen cases of this gravity wherein false statements for permit and zoning applications were made and will be reviewing the legitimate concerns with her legal team next week and follow up;
- * Ms. Bardin acknowledged this likely will not make it to hearing since the application was raised by an unauthorized party who does have rightful ownership of the building;
- * Mohamad asked Ms. Bardin, what records the BZA reviews in establishing the legitimacy of an applicant as the rightful party to raise the Zoning request? She acknowledged all of the BZA forms for applications mention false statements cannot be made. I discovered one such form here [https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/Form_100 - Application Signature Page.pdf](https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/Form_100_-_Application_Signature_Page.pdf) and have put the verbiage below;

o I/We hereby certify that the information contained on the application for the relief filed with the Zoning Commission is true and correct to the best of my/our knowledge, information, and belief.

Any person(s) using a fictitious name or address and/or knowingly making any false statement on this application/petition is in violation of D.C. Law and subject to a fine of more than \$1,000 or 180 days' imprisonment or both. (D.C. Official Code § 22 2405.)

* If somehow this does make it to hearing which I suspect it will not, given D.C. Official Code § 22 2405 above and false statements made, Ms. Bardin suggested the HOA receive party status for the cross examination and prepare in advance and submit documents to the official record.

Mr. LeGrant,

Please find attached the email that your office received when the original Notice of Unauthorized Permitting at 5912 9th Street NW was sent to the official DCRA record with you on the email.

Mr. Reid,

I look forward to hearing from you on the permit B2107726 which is an unauthorized permit request by SC HOLDINGS PEABODY LLC. Please have the permit rescinded and/or cancelled immediately.

The Project Dox on this permit was first accepted on 2021-05-10, which is after the attached

email and Notice of Unauthorized Permitting sent to DCRA Director Bowling, Mr. LeGrant, Mr. Charles Thomas and Ms. Lynn Underwood on 2018-01-31.

Mr. Reid, can you also let me know how we can avoid unauthorized permitting at this building permanently? Is there a way you can leave a note on the property and file.

Best,
-Mohammad

On Fri, May 27, 2022 at 2:06 PM <hassan9291@gmail.com> wrote:

Myself and Ms. Englebert will give you a ring then.

Best,
-Mohammad

On Fri, May 27, 2022 at 1:56 PM <sara.bardin@dc.gov> wrote:

10:30? 202-573.3399.

Sara

Sara Bardin
Director

[cid:image001.png@01D871B0.2A8DD2B0]
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www.dcoz.dc.gov<http://www.dcoz.dc.gov/> | sara.bardin@dc.gov<mailto:sara.bardin@dc.gov>

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On Fri, May 27, 2022 at 1:55 PM <hassan9291@gmail.com> wrote:

Hi Ms. Bardin,

I appreciate your response. Can you suggest some times next week for a call? I'd like to coordinate with our agent, Ms. Delaine Englebert who understands Zoning and DCRA matters well.

The three of us can have a joint call.

Best,
-Mohammad

On Fri, May 27, 2022 at 1:42 PM <sara.bardin@dc.gov> wrote:

Dear Mr. Hassan:

Do you have time to speak with me this morning by phone?

Sincerely,

Sara

Sara Bardin
Director

[cid:image002.png@01D871AE.28653840]
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On Fri, May 27, 2022 at 1:18 PM <hassan9291@gmail.com> wrote:

Thanks Rohan,

How do we get Mr. Robert Reid or anyone at BZA to respond? As you can see in the questions I raised, a false entity without ownership of the building at large has filed for permits and initiated a zoning request.

That is a serious matter.

On the permits side, I hope DCRA can explain why the permit requests haven't simply been cancelled since it did not originate from HOA or agents of the HOA? Again, HOA did not sign off on this and this is a rogue and nefarious owner/developer attempting to get permits. Furthermore, as you heard your own, Mr. Tarek Bolden from DCRA echoed the sentiment that it is illegal for SC Holding, Peabody LLC to submit a zoning or permit requests on behalf of the HOA.

One occurrence of DCRA granting permits without the HOA permission has already occurred. You can see the letter that was sent to get DCRA attached: Notice of Unauthorized Permitting at 5912 9th Street NW.

I'd like to understand how unauthorized permits and zoning requests are still being considered even after this former occurrence and notification from HOA to not allow it?

DCRA Permit:

[cid:image001.png@01D871A8.6E5135D0]

Best,
-Mohammad

On Fri, May 27, 2022 at 12:42 PM <support@dcra.mail.kustomerapp.com> wrote:

Hi Mr. Hassan,

I will defer to Mr. Robert Reid on this. His office would have the best information regarding emails for those individuals. It may be that dcoz@dc.gov may be the best contact for those individuals and the Office of Zoning staff will ensure that they receive the email.

Regards,

On Fri, May 27, 2022 at 12:08 PM <hassan9291@gmail.com> wrote:

Thanks Rohan,

I would appreciate either you or Mr. Robert Reid confirming that the following individuals are in receipt of the email:

- * Frederick L. Hill - Chairperson Appointee
- * Lorna John - District Resident Appointee
- * Carl H. Blake - District Resident Appointee

Unfortunately, I do not have their email addresses so cannot send it directly.

Best,
-Mohammad

On Thu, May 26, 2022 at 4:04 PM <support@dcra.mail.kustomerapp.com> wrote:

Good morning Mr. Hassan,

I am in receipt of your email and will pass it on to the DCRA specific staff. I did see that you copied Director Chrappah and Mr. LeGrant. Please forward your email directly to the other parties. They are not internal participants in the DCRA Kustomer platform. I do see that you have copied Mr. Robert Reid from the Office of Zoning and I will ask him here, to forward the email to those parties specific to his agency, to include the BZA staff you identified, from your list.

Thank you for sending along your list of questions. I will forward them to DCRA's Office of the General Counsel (OGC) and ask them to review and provide answers wherever possible. We will be in touch to follow up after OGC has had a chance to review the information.

Regards,

On Mon, May 23, 2022 at 10:18 PM <hassan9291@gmail.com> wrote:

Hi Mr. Reid,

Thank you for your and the teams time. This email is meant for the following individuals:

- * Director Ernest Chrappah
- * LeGrant, Matt (DCRA) matthew.legrant@dc.gov;
- * Cooper, Quiton (DCRA) quinton.cooper@dc.gov;
- * Johnson, Katrina (DCRA) katrina.johnson@dc.gov;
- * Reiss, Jeff J. (DCRA) jeffj.reiss@dc.gov;
- * Beeton, Kathleen A. (DCRA) kathleen.beeton@dc.gov;
- * Bolden, Tarek (DCRA) tarek.bolden@dc.gov
- * Reid, Robert Robert.reid@dc.gov;
- * Patricia.Cochran@dc.gov;
- * Frederick L. Hill - Chairperson Appointee
- * Lorna John - District Resident Appointee
- * Carl H. Blake - District Resident Appointee
- * bzasubmissions@dc.gov;
- * dcoz@dc.gov;
- * planning@dc.gov;
- * 4B@anc.dc.gov;

Please ensure they all receive it, specifically bringing to the attention of DCRA Direct Ernest Chrappah and BZA Chairperson Appointee Frederick Hill. If there are others that should be notified that are not on this list, please forward to them as well

I was able to find and review the BZA application here:

https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20760

Please review exhibit 14. The Burden of Proof document states:

This Statement is submitted on behalf of SC Holdings, Peabody LLC, the owner of the property located at 5912 9th St NW (Square 2986, Lot 25) (the "Subject Property"). The Subject Property is located in the RA-1 Zone district and is currently a two-story, four-unit multifamily building. The Applicant is proposing to construct a new third story to hold a fifth residential unit. Subtitle U, § 421 states "all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under Subtitle X, in accordance with the standards and requirements in this section." Accordingly, the Applicant is requesting special exception approval pursuant to Subtitle U – § 421.1.

Before delving into the questions, I'd make to make the position and needs of the HOA

clear and provide current facts.

The HOA would like to protect the current owners interests and work alongside the BZA, DCRA and Unit 5 owner (SC Holdings, Peabody LLC and Mr. Snider and Mr. Mike Kuehn) to bring this above board, pay off dues, fix some of the issues with the structure. I believe a win-win-win can be struck.

A couple facts:

- * 5912 9th Street HOA and it's four legal units are the majority owners of the building;
- * SC Holdings, Peabody LLC (and owners Mr. Snider and Mr. Kuehn) do not have a right to file on the HOAs behalf;
- * SC Holdings, Peabody LLC, alongside authorized agent, Adam Carballo, falsely filed permit and Zoning requests since they are non-HOA entities

Questions for the DCRA General Counsel and for BZA:

1. How can SC Holding, Peabody LLC submit a zoning request when all four legal units have owners and a HOA is formed without our approval? Mr. Tarek Bolden from DCRA echoed the sentiment that it is illegal for SC Holding, Peabody LLC to submit a zoning request on the HOAs behalf. So it begs the question, how did this go through and why hasn't it simply been cancelled? Prima facia, it seems to be illegal to file a permit without being the majority owner of the structure. I understand the DCRA in the past has cancelled such permit requests when they were made on behalf of someone else and without their permission. Why not on this occurrence?

1. What is the recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years and/or hasn't remediated the structural issues with the building that were shown via inspections? I'm can share the reports if need be.

1. Mr. Reid had suggested that the HOA can get a temporary CofO moved from the original originator, the developer to the HOA. This was further discussed in the call with Mr. LeGrant and others on May 18th 202 and it was noted that the barrier to doing so is low with a DHCD email. While, it may be a low friction effort, does doing so present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder and Unit 5 owner?

4. Considering Unit 5 owner is the same financier of the original project, what is the reason there have been no fines levied on SC Holdings, Peabody LLC and specifically, Mr. Steven S. Snider and his associate Mr. Mike Kuehn. Please find attached an email where Mr. Snider let me know "If you interfere with our efforts to obtain the CofO by communicating with DCRA, it may harm our ability to obtain the CofO and inure to the detriment of the Association and us." <https://dcra.dc.gov/page/director-ernest-chrappah>

I consider the HOAs efforts an attempt to use the final bit of leverage we have as owners to get the owner/builder of Unit 5 to do the right thing by fixing issues with the structure and paying long HOA standing dues. I'm certain the BZA and DCRA will agree that the Unit Owners and HOA are indeed legally and ethically deserving of this.

I implore the BZA and DCRA to take actions to support the HOA in remedying the situation.

Best,
-Mohammad
5912 9th Street Unit Owner and Board Member

On Mon, May 23, 2022 at 10:18 PM <hassan9291@gmail.com> wrote:

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Some people who received this message don't often get email from hassan9291@gmail.com. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

CAUTION: This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@dc.gov for additional analysis by OCTO Security Operations Center (SOC).

Hi Mr. Reid,

Thank you for your and the teams time. This email is meant for the following individuals:

- * Director Ernest Chrappah
- * LeGrant, Matt (DCRA) matthew.legrant@dc.gov;
- * Cooper, Quiton (DCRA) quiton.cooper@dc.gov;
- * Johnson, Katrina (DCRA) katrina.johnson@dc.gov;
- * Reiss, Jeff J. (DCRA) jeffj.reiss@dc.gov;
- * Beeton, Kathleen A. (DCRA) kathleen.beeton@dc.gov;
- * Bolden, Tarek (DCRA) tarek.bolden@dc.gov
- * Reid, Robert Robert.reid@dc.goc;
- * Patricia.Cochran@dc.gov;
- * Frederick L. Hill - Chairperson Appointee
- * Lorna John - District Resident Appointee
- * Carl H. Blake - District Resident Appointee
- * bzasubmissions@dc.gov;
- * dcoz@dc.gov;
- * planning@dc.gov;
- * 4B@anc.dc.gov;

Please ensure they all receive it, specifically bringing to the attention of DCRA Direct Ernest Chrappah and BZA Chairperson Appointee Frederick Hill. If there are others that should be notified that are not on this list, please forward to them as well

I was able to find and review the BZA application here:

https://app.dcoz.dc.gov/CaseReport/CaseReportPage.aspx?case_id=20760

Please review exhibit 14. The Burden of Proof document states:

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Before delving into the questions, I'd make to make the position and needs of the HOA clear and provide current facts.

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A couple facts:

- * 5912 9th Street HOA and it's four legal units are the majority owners of the building;
- * SC Holdings, Peabody LLC (and owners Mr. Snider and Mr. Kuehn) do not have a right to file on the HOAs behalf;
- * SC Holdings, Peabody LLC, alongside authorized agent, Adam Carballo, falsely filed permit and Zoning requests since they are non-HOA entities

Questions for the DCRA General Counsel and for BZA:

1. How can SC Holding, Peabody LLC submit a zoning request when all four legal units have owners and a HOA is formed without our approval? Mr. Tarek Bolden from DCRA echoed the sentiment that it is illegal for SC Holding, Peabody LLC to submit a zoning request on the HOAs behalf. So it begs the question, how did this go through and why hasn't it simply been cancelled? Prima facia, it seems to be illegal to file a permit without being the majority owner of the structure. I understand the DCRA in the past has cancelled such permit requests when they were made on behalf of someone else and without their permission. Why not on this occurrence?

1. What is the recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years and/or hasn't remediated the structural issues with the building that were shown via inspections? I'm can share the reports if need be.

1. Mr. Reid had suggested that the HOA can get a temporary CofO moved from the original originator, the developer to the HOA. This was further discussed in the call with Mr. LeGrant and others on May 18th 202 and it was noted that the barrier to doing so is low with a DHCD email. While, it may be a low friction effort, does doing so present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder and Unit 5 owner?

4. Considering Unit 5 owner is the same financier of the original project, what is the reason there have been no fines levied on SC Holdings, Peabody LLC and specifically, Mr. Steven S. Snider and his associate Mr. Mike Kuehn. Please find attached an email where Mr. Snider let me know "If you interfere with our efforts to obtain the CofO by communicating with DCRA, it may harm our ability to obtain the CofO and inure to the detriment of the Association and us." <https://dcra.dc.gov/page/director-ernest-chrappah>

I consider the HOAs efforts an attempt to use the final bit of leverage we have as owners to get the owner/builder of Unit 5 to do the right thing by fixing issues with the structure and paying long HOA standing dues. I'm certain the BZA and DCRA will agree that the Unit Owners and HOA are indeed legally and ethically deserving of this.

I implore the BZA and DCRA to take actions to support the HOA in remedying the situation.

Best,
-Mohammad
5912 9th Street Unit Owner and Board Member

On Thu, May 19, 2022 at 6:47 PM <support@dcra.mail.kustomerapp.com> wrote:

Hi Mr. Hassan,

Thanks for meeting with us yesterday. I am following up to provide the information that Kathleen Beeton entered into the meeting chat for you. She stated the following:

You might also want to confer with the DC Bar for some legal assistance. They offer pro bono services, and if you haven't explored that possibility, I would encourage you to do so: <https://www.dcbat.org/pro-bono>

We trust that we were able to answer some of your questions. We know that you have some additional ones and we look forward to receiving them. As mentioned, it

is most likely that they may require consultation with DCRA's General Counsel.
Thanks again!

Regards,

On Wed, May 18, 2022 at 1:17 PM <hassan9291@gmail.com> wrote:

Mr. Robert Reid,

Here are the questions below so you don't have to scan the entire email:

1. Have you had an opportunity to a talk to your council on the following:

* Recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years?

* You had suggested that we get a temporary CofO moved from the original originator, the developer to the HOA. Does this present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder?

2. What would it take to work alongside BZA to get this above board? This may not be feasible but a suggested approach below

1. Unit 5 Owner/Builder Pay Dues

1. Unit 5 Owner/Builder works through structural fixes

1. BZA and DCRA collaborate to work alongside owners and Unit 5 owner/builder to get this above board given Units 1-4 owners didn't intentionally purchase into a bldg. with significant issues.

3. What has Steven Snider and SC HOLDINGS PEABODY LLC (Unit 5) submitted in terms of permit requests and/or zoning changes? Where are these in the Zoning and DCRA review process?

4. Can you please confirm that any grants of permits or zoning changes will need to be run by and approved by majority owners and the 5912 9th Street Condominium Unit Owners Association (HOA) board?

Best,
-Mohammad

On Wed, May 18, 2022 at 1:17 PM <hassan9291@gmail.com> wrote:

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Mr. Robert Reid,

Here are the questions below so you don't have to scan the entire email:

1. Have you had an opportunity to a talk to your council on the following:

- * Recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years?
- * You had suggested that we get a temporary CofO moved from the original originator, the developer to the HOA. Does this present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder?

2. What would it take to work alongside BZA to get this above board? This may not be feasible but a suggested approach below

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3. What has Steven Snider and SC HOLDINGS PEABODY LLC (Unit 5) submitted in terms of permit requests and/or zoning changes? Where are these in the Zoning and DCRA review process?

4. Can you please confirm that any grants of permits or zoning changes will need to be run by and approved by majority owners and the 5912 9th Street Condominium Unit Owners Association (HOA) board?

Best,
-Mohammad

On Wed, May 18, 2022 at 11:51 AM <support@dcra.mail.kustomerapp.com> wrote:

Good morning Mr. Hassan,

Thanks for confirming receipt of the meeting invitation. We look forward to the meeting at 1:30pm.

Regards,

On Tue, May 17, 2022 at 9:28 PM <hassan9291@gmail.com> wrote:

Got it. Thanks

Best,
-Mohammad

On Tue, May 17, 2022 at 8:33 PM <support@dcra.mail.kustomerapp.com> wrote:

Hi Mr. Hassan,

A meeting invitation has been sent to you for tomorrow, 5/18/22. The meeting time is 1:30pm - 2:30pm via MS Teams. Please confirm that you have received the invitation. Thank you!

Regards,

On Tue, May 17, 2022 at 5:40 PM <hassan9291@gmail.com> wrote:

Thanks Rohan for the information.

Mr. Robert Reid,

My name is Mohammad and I'm the owner of Unit 2 at 5912 9th Street NW. We as an HOA as an individual owner have had lots of challenges and issues with the original developer and the financier. The financier currently owns the property, hasn't paid a single month of HOA dues and I understand is seeking to get an exception to make the unit legal.

I know I'm going to sound like a concerned and skeptical home owner. Can you please share the filing that Unit 5 owner has made and/or what paperwork was submitted? How does this proceeding work? What say does the HOA have in the matter? This is the same financier that backed the original builder, foreclosed the property to buy it back up in a different LLC and owes more than 2+ years HOA dues.

Best,
-Mohammad

On Tue, May 17, 2022 at 5:40 PM <hassan9291@gmail.com> wrote:

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Thanks Rohan for the information.

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Best,
-Mohammad

On Tue, May 17, 2022 at 1:27 PM <support@dcra.mail.kustomerapp.com> wrote:

Good morning Mr. Hassan,

Please reach out to Mr. Robert Reid at the Office of Zoning to get assistance with concerns about the recently filed BZA application. His contact information is as follows:

Robert I. Reid

Zoning Specialist
Office of Zoning | District of Columbia Government
441 4th Street, NW | Suite 200-S | Washington, DC 20001
(202) 727-5471 (office) | www.dcoz.dc.gov | robert.reid@dc.gov

Additionally, the general telephone number for the Office of Zoning is (202) 727-6311.

I have asked the meeting participants to confirm if tomorrow, 5/18, will work for their schedules. I will follow up to let you know if it does and next steps.

Regards,

On Mon, May 16, 2022 at 9:05 PM <hassan9291@gmail.com> wrote:

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Tarek, Rohan,

Can you share an email address or contact of someone at the DC Office of Zoning that can help?

Also, let me know about scheduling a meeting amongst us to answer questions in this thread.

Best,
-Mohammad

On Fri, May 13, 2022 at 2:18 PM <dcracs@dc.gov> wrote:

Good morning Mr. Hassan,

You will need to contact the D.C. Office of Zoning to request BZA filing information. I am with DCRA in OZA with Mr. Rohan Reid, I do not have access to the documents you are referring to.

You can contact the Office of Zoning at <https://dcoz.dc.gov/>

On Fri, May 13, 2022 at 9:59 AM <dcracs@dc.gov> wrote:

Automatic Notification of New Conversation

On Fri, May 13, 2022 at 9:59 AM <hassan9291@gmail.com> wrote:

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Tarek,

Are you able to help with the below?

Best,
-Mohammad

From: Mohammad Hassan hassan9291@gmail.com
Date: Monday, May 9, 2022 at 11:11 AM
To: dcracs@dc.gov dcracs@dc.gov
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required
Hi Rohan,

I can meet anytime that works on May 18th.

Tarek,

I know I'm going to sound like a concerned and skeptical home owner. Can you please share the filing that Unit 5 owner has made and/or what paperwork was submitted? How does this proceeding work? What say does the HOA have in the matter? This is the same financier that backed the original builder, foreclosed the property to buy it back up in a different LLC and owes more than 2+ years HOA dues.

We, the owners of the HAO want to make sure this transaction does not make our matters worse.

Best,
-Mohammad

From: DCRA Customer Service dcracs@dc.gov
Date: Friday, May 6, 2022 at 7:11 PM
To: hassan9291@gmail.com hassan9291@gmail.com
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required
Hi Mr. Hassan,

I am making on correction. I will be back in office on 5/16. Please let me know your availability after that date. Thank you!

Regards,

Rohan Reid | Program Analyst, Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia

dcracs@dc.gov | dcra.dc.gov
1100 4th Street SW, Suite E340, Washington, DC 20024
main: 202.442.4400 | desk: 202.442.4648
inspections: 202.442.7867
[URL%20FOR%20IMAGE%20IF%20YOU%20WANT%20IT]
On Fri, May 6, 2022 at 10:55 PM
<dcracs@dc.gov> wrote:
Good afternoon Mr. Hassan,

I am in receipt of your email and will make the other DCRA staff aware of it as you requested.

The attachment you provided is a notice from the Board of Zoning Adjustment (BZA), which is at the Office of Zoning, a separate DC agency. The applicant is seeking permission to make the fifth unit a legal one. As you are aware, the maximum units allowed at the property is four. In order to have five units at the property, BZA relief is required. It appears that the owner of the current illegal fifth unit, may have submitted the BZA application and not the HOA.

I do hope that you received my voice message that I left on 3/18 regarding our proposed meeting for that same day. In my voice message, I explained that I erred in not sending you the link to the meeting invite and inquired about another convenient time that would work for you. I also wasn't sure if you had returned from your travels. I am glad to see that you are still looking forward to a meeting and I will be happy to schedule one. I am out of the office next week and will return to work on 5/18. Please let me know of your availability for a meeting after 5/18 and I will work with my other colleagues to get it scheduled upon my return.

In my absence, if you have any zoning related questions, please email dcracs@dc.gov and put it to the attention of Tarek Bolden. He is my zoning enforcement colleague and can assist until I return. Have a great weekend and upcoming week.

Regards,

On Fri, May 6, 2022 at 7:42 PM <dcracs@dc.gov> wrote:

Automatic Notification of New Conversation

On Fri, May 6, 2022 at 7:42 PM

<hassan9291@gmail.com> wrote:

Hi Rohan,

Can you help me understand what the attached is about? I'm still interested in connecting during a meeting to answer the original questions in this email thread as well.

Please forward this information to the staff persons who are now serving in Mr. Thomas and Mr. Underwood previous roles and make Director Chrappah and Mr. LeGrant aware of this communication and subsequent communication in this chain via your new streamlined process and customer service platform (Kustomer) for internal and external communication.

Best,
-Mohammad

From: dcra support

support@dcra.mail.kustomerapp.com>
support@dcra.mail.kustomerapp.com

Date: Thursday, February 10, 2022 at 1:26 PM

To: hassan9291@gmail.com

hassan9291@gmail.com

Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required

Thank you, Mr. Hassan. Got it!

I will follow up to confirm the date.

Regards,

Rohan Reid | Program Analyst, Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia

dcra.dc.gov<https://dcra.dc.gov/>

1100 4th Street SW, Suite E340, Washington, DC 20024

main: 202.442.4400 | desk: 202.442.4648

inspections: 202.442.7867

[URL%20FOR%20IMAGE%20IF%20YOU%20WANT%20IT]

On Thu, Feb 10, 2022 at 6:23 PM

<hassan9291@gmail.com> wrote:

Hi Rohan,

Yes, March 18th. The next few weeks I'm out of town.

Best,
-Mohammad

On Thu, Feb 10, 2022 at 5:31 PM
<support@dcra.mail.kustomerapp.commailto:support@dcra.mail.kustomerapp.com> wrote:
Hi Mr. Hassan,

Thank you for getting back to me and letting me know that this Friday doesn't work for you. Before confirming a time with the other DCRA staff, did you mean to propose 3/18/22, or were you thinking of next Friday 2/18/22? I know you said you will be traveling for the next few weeks, and perhaps 3/18/22 is correct, but I want to be certain of the date.

Regards,

On Thu, Feb 10, 2022 at 12:07 PM
<hassan9291@gmail.commailto:hassan9291@gmail.com> wrote:
Thanks for your response, Rohan.

Unfortunately that time does not work.

Can we meet on 3/18/22 at a time of your choosing? The next few weeks require me to travel.

Best,
-Mohammad

On Wed, Feb 9, 2022 at 9:16 PM
<support@dcra.mail.kustomerapp.commailto:support@dcra.mail.kustomerapp.com> wrote:
Good afternoon Mr. Hassan,

I am in receipt of you email and do apologize for the delay in getting back to you. I was able to speak with the Zoning Administrator and Illegal Construction Manager and they are available to meet with you this Friday, 2/11/22, at 1:30 pm via MS Teams.

The questions and concerns you raise can be discussed further during the meeting, as well as next steps in the compliance process. If there are additional concerns and questions in the interim, add them to your previous list of questions and we will address them during Friday's meeting.

Please be on the lookout for the meeting invitation. Thank you!

Regards,

On Tue, Feb 8, 2022 at 1:28 PM

<hassan9291@gmail.commailto:hassan9291@gmail.com> wrote:

Dear Rohan,

Following up after our conversation on January 7th 2022. Questions below:

1. Have you had an opportunity to a talk to your council on the following:

- * Recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years?

- * You had suggested that we get a temporary CofO moved from the original originator, the developer to the HOA. Does this present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder?

2. What would it take to work alongside BZA to get this above board?

This may not be feasible but a suggested approach below

- * Unit 5 Owner/Builder Pay Dues

b. Unit 5 Owner/Builder works through structural fixes

c. BZA and DCRA collaborate to work alongside owners and Unit 5 owner/builder to get this above board given Units 1-4 owners didn't intentionally purchase into a bldg. with significant issues.

Can you please forward this information to the staff persons who are now serving in Mr. Thomas and Mr. Underwood previous roles and make Director Chrappah and Mr. LeGrant aware of this communication and subsequent communication in this chain via your new streamlined process and customer service platform (Kustomer) for internal and external communication.

Best,

-Mohammad

On Fri, Jan 7, 2022 at 8:43 PM

<hassan9291@gmail.commailto:hassan9291@gmail.com> wrote:

Mr. Reid,

Thanks for your prompt email. A few additional questions below:

1. What has Steven Snider and SC HOLDINGS PEABODY LLC (Unit 5) submitted in terms of permit requests and/or zoning changes? Where are these in the Zoning and DCRA review process?

2. Can you please confirm that any grants of permits or zoning changes will need to be run by and approved by majority owners and the 5912 9th Street Condominium Unit Owners Association (HOA) board?

Please also pass receipt of this to all those originally copied on the email to you.

Best,
-Mohammad

On Fri, Jan 7, 2022 at 8:33 PM

<support@dcra.mail.kustomerapp.commailto:support@dcra.mail.kustomerapp.com> wrote:

Dear Mohammad Hassan,

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Please note that Mr. Thomas and Mr. Underwood are no longer with DCRA; however, I will forward the information to the staff persons who are now serving in their previous roles. Also, Director Chrappah and Mr. LeGrant will not appear on the recipient list of this email, instead they will be made aware of this communication to you via our new streamlined process and customer service platform (Kustomer) fo

On Mon, May 9, 2022 at 3:11 PM <hassan9291@gmail.com> wrote:

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Hi Rohan,

I can meet anytime that works on May 18th.

Tarek,

I know I'm going to sound like a concerned and skeptical home owner. Can you please share the filing that Unit 5 owner has made and/or what paperwork was submitted? How does this proceeding work? What say does the HOA have in the matter? This is the same financier that backed the original builder, foreclosed the property to buy it back up in a different LLC and owes more than 2+ years HOA dues.

We, the owners of the HAO want to make sure this transaction does not make our matters worse.

Best,
-Mohammad

On Fri, May 6, 2022 at 11:11 PM <dcracs@dc.gov> wrote:

Hi Mr. Hassan,

I am making on correction. I will be back in office on 5/16. Please let me know your availability after that date. Thank you!

Regards,

On Fri, May 6, 2022 at 10:55 PM <dcracs@dc.gov> wrote:

Good afternoon Mr. Hassan,

I am in receipt of your email and will make the other DCRA staff aware of it as you requested.

The attachment you provided is a notice from the Board of Zoning Adjustment (BZA), which is at the Office of Zoning, a separate DC agency. The applicant is seeking permission to make the fifth unit a legal one. As you are aware, the maximum units allowed at the property is four. In order to have five units at the property, BZA relief is required. It appears that the owner of the current illegal fifth unit, may have submitted the BZA application and not the HOA.

I do hope that you received my voice message that I left on 3/18 regarding our proposed meeting for that same day. In my voice message, I explained that I erred in not sending you the link to the meeting invite and inquired about another convenient time that would work for you. I also wasn't sure if you had returned from your travels. I am glad to see that you are still looking forward to a meeting and I will be happy to schedule one. I am out of the office next week and will return to work on 5/18. Please let me know of your availability for a meeting after 5/18 and I will work with my other colleagues to get it scheduled upon my return.

In my absence, if you have any zoning related questions, please email dcracs@dc.gov and put it to the attention of Tarek Bolden. He is my zoning enforcement colleague and can assist until I return. Have a great weekend and upcoming week.

Regards,

On Fri, May 6, 2022 at 7:42 PM <dcracs@dc.gov> wrote:

Automatic Notification of New Conversation

On Fri, May 6, 2022 at 7:42 PM <hassan9291@gmail.com> wrote:

Hi Rohan,

Can you help me understand what the attached is about? I'm still interested in connecting during a meeting to answer the original questions in this email thread as well.

Please forward this information to the staff persons who are now serving in Mr. Thomas and Mr. Underwood previous roles and make Director Chrappah and Mr. LeGrant aware of this communication and subsequent communication in this chain via your new streamlined process and customer service platform (Kustomer) for internal and external communication.

Best,
-Mohammad

From: dcra support support@dcra.mail.kustomerapp.com
Date: Thursday, February 10, 2022 at 1:26 PM
To: hassan9291@gmail.com hassan9291@gmail.com
Subject: Re: FW: 5912 9th Street | Illegal Construction | HOA Approval Required
Thank you, Mr. Hassan. Got it!

I will follow up to confirm the date.

Regards,

Rohan Reid | Program Analyst, Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
Government of the District of Columbia

[dcra.dc.govhttps://dcra.dc.gov/](https://dcra.dc.gov/)

1100 4th Street SW, Suite E340, Washington, DC 20024

main: 202.442.4400 | desk: 202.442.4648

inspections: 202.442.7867

[URL%20FOR%20IMAGE%20IF%20YOU%20WANT%20IT]

On Thu, Feb 10, 2022 at 6:23 PM

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Hi Rohan,

Yes, March 18th. The next few weeks I'm out of town.

Best,
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Can we meet on 3/18/22 at a time of your choosing? The next few weeks require me to travel.

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The questions and concerns you raise can be discussed further during the meeting, as well as next steps in the compliance process. If there are additional concerns and questions in the interim, add them to your previous list of questions and we will address them during Friday's meeting.

Please be on the lookout for the meeting invitation. Thank you!

Regards,

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Following up after our conversation on January 7th 2022.
Questions below:

1. Have you had an opportunity to a talk to your council on the following:

* Recourse on the builder and Unit 5 owner who hasn't paid any HOA dues for multiple years?

* You had suggested that we get a temporary CofO moved from the original originator, the developer to the HOA. Does this present any risk or culpability for the HOA or unit owners given that we did not illegally build a third floor and are simply victims of a nefarious builder?

2. What would it take to work alongside BZA to get this above board? This may not be feasible but a suggested approach below

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b. Unit 5 Owner/Builder works through structural fixes

c. BZA and DCRA collaborate to work alongside owners and Unit 5 owner/builder to get this above board given Units 1-4 owners didn't intentionally purchase into a bldg. with significant issues. Can you please forward this information to the staff persons who are now serving in Mr. Thomas and Mr. Underwood previous roles and make Director Chrappah and Mr. LeGrant aware of this communication and subsequent communication in this chain via your new streamlined process and customer service platform (Kustomer) for internal and external communication.

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<rohan.reid@dc.govmailto:rohan.reid@dc.gov> wrote:

From: Mohammad Hassan

hassan9291@gmail.commailto:hassan9291@gmail.com

Sent: Friday, January 7, 2022 2:14 PM

To: Reid, Rohan (DCRA)

rohan.reid@dc.govmailto:rohan.reid@dc.gov; Chrappah, Ernest (DCRA) Ernest.Chrappah@dc.govmailto:Ernest.Chrappah@dc.gov

Cc: Thomas, Charles (DCRA)

Charles.thomas@dc.govmailto:Charles.thomas@dc.gov; LeGrant, Matt (DCRA)

matthew.legrant@dc.govmailto:matthew.legrant@dc.gov;

Lynn.underwood@dc.gov

Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

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important<http://aka.ms/LearnAboutSenderIdentification>

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+ Director Ernest Chrappah

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<hassan9291@gmail.commailto:hassan9291@gmail.com>

Date: Friday, January 7, 2022 at 2:13 PM

To: rohan.reid@dc.govmailto:rohan.reid@dc.gov

<rohan.reid@dc.govmailto:rohan.reid@dc.gov>,

ernest.chrappah@dc.govmailto:ernest.chrappah@dc.gov

<ernest.chrappah@dc.govmailto:ernest.chrappah@dc.gov>

Cc: Thomas, Charles (DCRA)

<Charles.thomas@dc.govmailto:Charles.thomas@dc.gov>,

matt.legrant@dc.govmailto:matt.legrant@dc.gov

<matt.legrant@dc.govmailto:matt.legrant@dc.gov>,

Lynn.underwood@dc.govmailto:Lynn.underwood@dc.gov

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Mr. Reid,

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As you know, the HOA requested a stop-work-order in place and notified Director Bolling of the illegal construction after permits were granted . See the thread below.

This emails serves as a reminder that any CofO update or permits requires the HOA board's approval and should not be granted to the developer without consulting the HOA and it's owners. The developer has yet to make a payment for the last three years of HOA dues (totaling \$5,096.00), an infringement of the bylaws and cause for a lien and we have not been able to independently vet the load bearing implications of illegal construction. See attached for more details.

Please confirm receipt of this email. If you need to talk, please reach out at (240) 482-6127

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<jacobbeier@gmail.commailto:jacobbeier@gmail.com>
Date: Wednesday, January 31, 2018 at 12:23 PM
To: Melinda.bolling@dc.govmailto:Melinda.bolling@dc.gov
<Melinda.bolling@dc.govmailto:Melinda.bolling@dc.gov>,
Thomas, Charles (DCRA)
<Charles.thomas@dc.govmailto:Charles.thomas@dc.gov>,
matt.legrant@dc.govmailto:matt.legrant@dc.gov
<matt.legrant@dc.govmailto:matt.legrant@dc.gov>,
Lynn.underwood@dc.govmailto:Lynn.underwood@dc.gov
<Lynn.underwood@dc.govmailto:Lynn.underwood@dc.gov>
Cc: Mohammad Hassan
<hassan9291@gmail.commailto:hassan9291@gmail.com>,
Philipps, Bradley
<Bradley.Philipps@katzmedia.commailto:Bradley.Philipps@katzmedia.com>
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To: Reid, Rohan (DCRA) rohan.reid@dc.gov; Chrappah, Ernest (DCRA) Ernest.Chrappah@dc.gov
Cc: Thomas, Charles (DCRA) Charles.thomas@dc.gov; LeGrant, Matt (DCRA) matthew.legrant@dc.gov; Lynn.underwood@dc.gov
Subject: Re: 5912 9th Street | Illegal Construction | HOA Approval Required

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Cc: Thomas, Charles (DCRA)
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<matt.legrant@dc.gov <mailto:matt.legrant@dc.gov>>, Lynn.underwood@dc.gov <mailto:Lynn.underwood@dc.gov>,
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<Lynn.underwood@dc.gov<mailto:Lynn.underwood@dc.gov>>
Cc: Mohammad Hassan
<hassan9291@gmail.com<mailto:hassan9291@gmail.com>>, Philipps, Bradley
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Further explained in the attached letter, the HOA understands that permitting that was not authorized by the HOA occurred at our building in September 2017.

We've also learned that the Office of Zoning recently placed a hold on this property related to the unapproved construction of a 5th unit by the developer.

We sincerely appreciate your attention to this matter and the letter attached.

Please expect to hear from the HOA's agents and counsel soon to address these and other matters.

Sincerely,

Jacob Beier (HOA Secretary)
(202) 372-7551
5912 9th Street NW, #3
Washington, D.C. 20011

DCRA is ready for the future. To learn more about our ambitious plans to further enhance the services we provide District residents and businesses, check out our 5-Year Strategic Plan. <https://www.dcrافutureready.com/>

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<jacobbeier@gmail.com>
>

Date: Wednesday, January 31, 2018 at 12:23 PM

To:

Melinda.bolling@dc.gov<Melinda.bolling@dc.gov>, Thomas, Charles (DCRA)
<Charles.thomas@dc.gov>, matt.legrant@dc.gov<matt.legrant@dc.gov>, Lynn.underwood@dc.gov<Lynn.underwood@dc.gov>

Cc: Mohammad Hassan
<hassan9291@gmail.com>, Philipps, Bradley
<Bradley.Phipps@katzmedia.com>

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5-Year Strategic
Plan. <https://www.dcrافتureready.com/>

On Fri, Jan 7, 2022 at 6:48 PM <+12404826127> wrote:

Voice Message